

Appl. No. 09/817,388
Amdt. Dated Feb. 2, 2005
Reply to Office action of Nov. 2, 2004

Remarks & Arguments

Claims 1, 10, and 16 are amended and claims 1-20 remain pending in the subject application. The Specification is amended pursuant to the requests set forth in the Office Action to correct informalities. FIG. 2 is amended to correct an inadvertent typographical error. A replacement sheet for FIG. 2 is submitted herewith. No new matter is added by the amendments to the claims, Specification, and drawings. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

Claim Objections

At page 3 of this Office Action, claims 4, 6, 17, and 20 are objected for informalities. Applicants are unaware of the language asserted in the objections to exist in claims 4, 6, 17, and 20 of the subject application. Responsive to these objections and without intending to limit the scope of such claims, claims 4 and 6 are amended to clarify the phrase "a second of the plurality of user terminals" and claims 17 and 20 are amended to clarify the phrase "the first user terminal". In view of the foregoing amendments, Applicants respectfully request withdrawal of such objections.

CLAIM REJECTION UNDER 35 USC § 112

At page 4 of this Office Action, claim 20 is rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. Claim 20 is amended to further clarify the subject matter of the claimed invention. In particular, claim 20 is amended to clarify the referenced "mobile user terminals".

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In light of the amendments to claim 20, Applicants respectfully submit that the rejection of claim 20 under 35 U.S.C. 112, 2nd paragraph, is overcome.

CLAIM REJECTION UNDER 35 USC § 102

At page 4 of this Office Action, claims 1, 5, 9, 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Simard et al. (Pub. No. US2002/0085697). Applicants submit that claims 1, 5, 9, 17, 19, and 20 are not anticipated by Simard et al. because Simard et al. do not disclose all of the elements of the claimed invention.

Simard et al. disclose a packet-based voice communication system where speech indication signals are sent from packet-based terminals within a voice conference to a packet-based conference bridge so that no speech detection operation needs to be performed within the conference bridge itself (see page 4, ¶ 43). In one embodiment, a speech detector of a packet-based terminal receives an uncompressed digital voice signal and processes these signals to generate speech indication signals (e.g., a talking signal and a listening signal) that are forwarded to the conference bridge (see page 6, ¶ 54). The speech detector generates the speech indication signals based on measuring an energy level of the voice signal (see id.), distinguishing packets that contain speech by the size (e.g., number of bytes) of such packets (see page 6, ¶ 59), or monitoring a pitch-related sector within the voice data packet using a G.723.1 voice-over-internet protocol (VoIP) standard (see id.).

Amended claim 1 recites a step of “detecting bearer traffic from a first user terminal of the plurality of user terminals”, amended claim 17 recites a step of “detecting bearer traffic transmitted by a first user terminal of the plurality of user terminals”, and amended claim 20 recites a step of “detecting bearer traffic transmitted by a second mobile user terminal of the

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plurality of user terminals". Applicants submit that Simard et al. do not disclose "detecting bearer traffic" because sending speech indication signals from packet-based terminals within a voice conference to a packet-based conference bridge, as taught by Simard et al., is not analogous to detecting bearer traffic as recited in amended claims 1, 17, and 20.

Simard et al. focus instead on receipt of speech indication signals by a talker selection block and performing a talker selection algorithm (see page 4, ¶ 45). Although Simard et al. disclose transmissions of speech indication signals and a speech detector at a packet-based terminal that generates speech indication signals, Simard et al. are silent regarding actual detection of bearer traffic from a first user terminal. At best, Simard et al. teaches contrary to Applicants' claimed invention by disclosing that no speech detection is needed (see id.).

Amended claim 1 recites "detecting silence from a real time protocol of data packets being transmitted by the first user terminal of the plurality of user terminals, a portion of at least one of the data packets in real time protocol configured to indicate silence", amended claim 17 recites "detecting silence from a real time protocol of data packets being transmitted by the first user terminal of the plurality of user terminals, a portion of at least one of the data packets in real time protocol configured to indicate silence", and amended claim 20 recites "detecting silence from a real time protocol of data packets being transmitted by the second mobile user terminal of the plurality of user terminals, a portion of at least one of the data packets in real time protocol configured to indicate silence".

Although Simard et al. disclose generation of and transmission of speech indication signals, Applicants submit that Simard et al. do not disclose detecting silence from a real time protocol of data packets wherein a portion of at least one of the data packets in real time protocol is configured to indicate silence. As previously mentioned, Simard et al. disclose that

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no speech detection is needed. Further, Applicants submit that the speech indication signals taught by Simard et al. are not the same as "a real time protocol of data packets". The only hint that Simard et al. provide regarding the speech indication signals is that a speech detector generates the speech indication signals from a voice signal and that the speech indication signals indicate whether the associated terminal is speaking or not.

Applicants respectfully submit that Simard et al. do not anticipate amended independent claims 1, 17, and 20. Because of the foregoing discussion regarding the patentability of amended claims 1, 17, and 20, and because claims 5, 9, and 19 depend from one of amended claims 1 and 17, Applicants submit that claims 5, 9, and 19 are likewise patentably distinguished from Simard et al.

CLAIM REJECTIONS UNDER 35 USC § 103

At page 4, claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simard et al. in view of Holden (U.S. Pat. No. 6,771,639). Applicants respectfully traverse this rejection. Holden is cited for disclosing SIP communication over an internet. Because of the foregoing discussion regarding the differences between amended claims 1, 17, and 20 and Simard et al. and because claim 2 depends from amended claim 1, Applicants submit that claim 2 is likewise patentably distinguished from Simard et al. in view of Holden.

Applicants further submit that there is not motivation to combine Simard et al. with Holden. Although Holden is related to packet-based communication, Holden is primarily concerned with establishing a call session in a data network that includes receiving an SIP based call request including announcement information (e.g., identification information of the calling

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entity). Simard et al. are not concerned with establishing a call session but instead is concerned with voice conferencing and selecting talkers within the voice conference.

At page 7 of this Office Action, claims 6, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simard et al. Because of the foregoing discussion regarding the differences between amended claims 1, 17, and 20 and Simard et al. and because claims 6 and 10 depend from amended claim 1, Applicants submit that claims 6, 10, and 20 are likewise patentably distinguished from Simard et al.

ALLOWABLE SUBJECT MATTER

At page 7 of this Office Action, claims 3-4, 7-8, 11-16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing discussion regarding the patentability of amended independent claims 1 and 10, Applicants submit that claims 3-4, 7-8, 11-16, and 18 are likewise patentable over the cited references, but Applicants reserve the right to rewrite claims 3-4, 7-8, 11-16, and 18 in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

In view of Applicants' amendments and remarks, it is respectfully submitted that the rejections under 35 USC §§ 112, 102, and 103 have been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or

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wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at 480-385-5060.

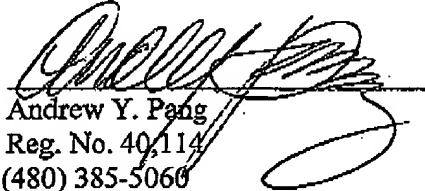
If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for any extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2117 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: February 2, 2005

By:


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Attachment